

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **May 18, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**Case:** Kane et al. v. Valley Slurry Seal Company  
Case No. CV CV 08-2483

**Hearing Date:** May 18, 2009 Department Fifteen **9:00 a.m.**

Plaintiffs Robert Kane's and Ahmad Lloyd's motion to compel defendant Valley Slurry Seal Company to serve further responses to special interrogatories, set number two, and document request, set number one is **GRANTED**. (Code Civ. Proc., §§ 2030.300 & 2031.310; *Stern v. Superior Court* (2003) 105 Cal.App.4<sup>th</sup> 223, 232-233.) Defendant shall provide further responses to plaintiffs' special interrogatories numbers 1 and 2 and demand to identify and produce documents numbers 1, 2, 8, 9, 11 & 12, by May 29, 2009.

Plaintiffs' request for sanctions is **DENIED**. If a request for sanctions is included in a motion to compel, the notice of motion must contain a request for sanctions and must: (1) name all parties and attorneys against whom sanctions are being sought; (2) specify the type of sanction sought; and (3) cite the authority for such sanctions. (Code Civ. Proc., § 2023.040.)

The Court finds that the relevant class period began with the filing of the original complaint, April 8, 2008.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

#### **TENTATIVE RULING**

**CASE:** People v. \$297.00  
Case No. CV PT 07-994

**Hearing Date:** May 18, 2009 Department Fifteen **9:00 a.m.**

The unopposed motion to have the truth of the matters stated in the People's Request for Admissions, First Set to Araceli Ruiz deemed admitted and for monetary sanctions is **DENIED**. The People served a copy of their motion on Mr. Ruiz at 751 Greenwood Avenue. The claim opposing forfeiture shows that Mr. Ruiz' address is 761 Greenwood Avenue.

This matter is set for a trial-setting conference on Thursday, June 4, 2009, at 1:30 p.m. in Department Ten.

The People shall serve the claimant with a copy of this order by no later than May 20, 2009, and file a proof of service showing such service.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.

**TENTATIVE RULING**

**CASE:** **People v. \$687.97**

**Case No. CV PT 07-2159**

**Hearing Date:** **May 18, 2009** **Department Fifteen** **9:00 a.m.**

The People are directed to appear and to establish that the address shown on the proof of service for their Request for Admissions, First Set and notice of motion and motion is the correct address for Candida Kilby Ruiz.

If the People can show that they served their papers on the claimant at the correct address, the Court will grant the People's (1) unopposed motion to have the truth of the matters stated in the first set of request for admissions from the People to Candida Ruiz and (2) request for monetary sanctions against Ms. Ruiz in the amount of \$136.28. (Code Civ. Proc., § 2033.280, subds. (b) and (c).)

This matter is set for a trial-setting conference on Thursday, June 4, 2009, at 1:30 p.m. in Department Ten.

The People shall prepare and bring to the May 18, 2009, hearing a proposed order granting their motion and setting the trial-setting conference in accordance with this tentative ruling. The People shall serve the claimant with a copy of the Court's order by no later than May 20, 2009, and file a proof of service showing such service.